



OFFICE of INSPECTOR GENERAL

NATIONAL ARCHIVES and RECORDS ADMINISTRATION
8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001
www.archives.gov/oig

June 20, 2019

Ms. Emma Best
MuckRock News, DEPT 73721
411A Highland Ave
Somerville, MA 02144

via email to 73721-46044976@requests.muckrock.com

Re: Request for Records Investigations or Prosecutions of Unauthorized Disclosures of Information
(NARA OIG FOIA 19-19)

Ms. Best,

This letter is in regards to a FOIA request you sent the National Archives and Records Administration (NARA), tracking number NARA-NGC-2019-000501 requesting:

“Copies of documents, including but not limited to emails, memos, letters, reports, briefs and call logs, referring to, discussing or generated as a result of referrals to and consultations with the Federal Bureau of Investigation and other components of the Department of Justice (Criminal Division, Civil Division, National Security Division, the Attorney General's office, etc.), regarding instances of unauthorized disclosures of information (AKA leaks) for investigation and/or prosecution between January 20, 1981 (or the date of creation of this agency, whichever came first) and the present.”

NARA's Office of General Counsel (NGC) sent your request to the Office of Inspector General (OIG) for processing. For your information, the OIG is an independent unit of the National Archives and Records Administration (NARA) tasked by Congress to combat fraud, waste, abuse and mismanagement within NARA. As such, we have no control or authority over records kept and maintained by any other government agency, or even any office at NARA. We only control those records generated within the OIG alone. Accordingly, no other office at NARA controls OIG records.

I have reviewed the OIG's records and found one case investigated by our Office of Investigations which may have some potentially responsive records. However, another Federal agency has equities in those records. The NARA OIG Report of Investigation (ROI) has been sent to the FOIA office of that agency for a consult, and we are waiting to hear back from them. As soon as we know what can be released from the ROI we will send the records to you. I believe this is the type of document you are looking for, but if you are looking for something broader please let me know. Further, I found one case where the Office of Investigations looked into a potential violation by a government employee of 41 U.S. Code § 2101, the prohibition on disclosing procurement information. The case was not accepted for prosecution. It did not appear is the type of disclosure you were looking at, and therefore I did not consider it responsive. If I am incorrect, please let me know.

You have the right to administratively appeal those determinations by writing to the Archivist of the United States, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD, 20740, within ninety (90) calendar days of the date of this letter. If you choose to appeal, your appeal letter and its envelope should be clearly marked “Freedom of Information Act Appeal,” and you should explain why you believe NARA should release the withheld information.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact the OIG's FOIA Public Liaison, James Springs, for assistance at:

National Archives and Records Administration
Office of Inspector General
8601 Adelphi Road, Room 1300
College Park, MD 20740-6001
(301) 837-3018
james.springs@nara.gov

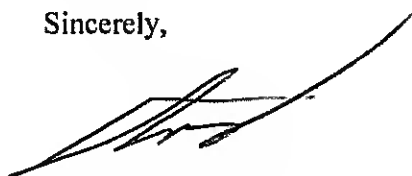
If you are unable to resolve your FOIA dispute through the FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001
ogis@nara.gov
ogis.archives.gov
202-741-5770 or 1-877-684-6448

Finally, in accordance with Department of Justice guidance, I would also like to notify you that Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification given to all our requesters and should not be taken as an indication excluded records do, or do not, exist.

If you have any questions, please feel free to contact me directly at 301-837-1966 or john.simms@nara.gov. As a note, you may get an out-of-office message from my email. I am a Reservist about to perform military duties, but I will be checking my email. Thank you for contacting the NARA OIG.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Simms', with a long, sweeping horizontal line extending to the right.

John Simms
Counsel to the Inspector General